

**CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO**

**BY-LAW NO. 17 - 14**

**BEING A BY-LAW TO PERMIT AND CONTROL THE OPERATION OF  
"ALL-TERRAIN VEHICLES" (ATV'S) ON HIGHWAYS UNDER THE  
JURISDICTION OF THE CORPORATION OF THE TOWNSHIP OF ADJALA  
– TOSORONTIO**

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**All-Terrain Vehicle Use By-Law**

**WHEREAS** Section 191.8, subsection (3) of the Highway Traffic Act, as amended, authorizes the Council of a municipality to pass by-laws permitting the operation of off-road vehicles on any Highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such Highway;

**AND WHEREAS** Ontario Regulation 316/03 made under the Highway Traffic Act, as amended defines an All-Terrain Vehicle and provides regulations governing the operation of All-Terrain Vehicles upon Highways;

**AND WHEREAS** the operation of off-road vehicles on highways is a privilege and not a right;

**AND WHEREAS** section 11(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, assigns spheres of jurisdiction and authorizes municipalities to pass by-laws respecting matters pertaining to Highways in their jurisdiction;

**AND WHEREAS** the Council of the Corporation of the Township of Adjala - Tosorontio deems it expedient to regulate the operation of All-Terrain Vehicles, being a class of Off-Road Vehicle as defined in section 1 of Ontario Regulation 316/03, on Highways within the jurisdiction of the municipality, or on any part or parts of such Highways;

**AND WHEREAS** the Council of the Corporation of the Township of Adjala – Tosorontio deems it expedient to permit the operation of all-terrain Vehicles on specified Highway under the jurisdiction of the Township of Adjala – Tosorontio for a trial period ending on March 31, 2012;

**NOW THEREFORE** the Council of the Corporation of the Township of Adjala - Tosorontio enacts as follows:

**1     DEFINITIONS**

- 1.1     "Municipality" – means the Township of Adjala - Tosorontio.
- 1.2     "All Terrain Vehicles" shall mean any off-road vehicle that:
  - a) has four wheels, the tires of all of which are in contact with the ground;
  - b) has steering handlebars or a steering wheel for steering control;
  - c) has a seat for the driver and/or passengers
  - d) has not been modified in any way from its manufactured design either by the addition of passenger seats or otherwise, or the removal of equipment such as mufflers; and
  - e) is being operated, driven or used as designed by the manufacturer.
- 1.3     "Core Services" – means accessing food, lodging, or fuel within the urban areas of the municipality.
- 1.4     "Highway"- includes any open and maintained road allowance under the sole jurisdiction of the Corporation of the Township of Adjala - Tosorontio including a common and public Highway, street, road, avenue, laneway or bridge, and includes the part

which is actually used by the general public for the passage of vehicles and all of the area between the lateral property lines thereof and does not apply to highways under the jurisdiction of the Province or the County of Simcoe, unopened road allowances, private roads or boundary line roads.

- 1.5 "Off-Road Vehicle" – means an off-road vehicle within the meaning of the Off-Road Vehicles Act, as amended.
- 1.6 "Recognized Agencies" – shall be the Central Ontario All-Terrain Vehicle Club including its district clubs.
- 1.7 "Settlement Areas" for the purpose of this By-law - shall include areas identified as Colgan, Everett, Glencairn, Hockley, Keenansville, Lisle, Loretto and Rosemont.

## **2. GENERAL PROVISIONS**

- 2.1 Nothing in this by-law would prevent enforcement under relevant Acts or Regulations including Ontario Regulation 316/03 of the Highway Traffic Act, as amended and the Off-Road Vehicles Act, as amended.
- 2.2 No person shall operate an All Terrain Vehicle on a Highway unless it meets the equipment requirements of the Ontario Regulation 316/03, as amended and it is operated in accordance with the Ontario Regulation 316/03, as amended.
- 2.3 No person shall operate an All-Terrain Vehicle at a rate of speed greater than:
  - a) 20 kilometers per hour, if the speed limit established for that part of the Highway is not greater than 50 kilometers per hour; or
  - b) 50 kilometers per hour, if the speed limit established for that part of the Highway is greater than 50 kilometers per hour.
- 2.4 No person shall operate an all terrain vehicle except between one half hour after sunrise to one half hour before sunset.
- 2.5 The operator of an All-Terrain Vehicle shall ensure that trailing devices are equipped and operated in accordance with the Highway Traffic Act, as amended and the Off-Road Vehicles Act, as amended.
- 2.6 The exemptions as set out in Ontario Regulation 316/03, as amended from time to time, regarding the operation of All-Terrain Vehicles on Highways shall apply to this By-law and the permission granted hereunder.
- 2.7 Unless such lands form part of a trail route approved and maintained by Recognized Agencies, no person shall operate an All-Terrain Vehicle:
  - a) Over or upon the following areas with the exception of recognized parking areas:
    - i) Any Community Centre under the jurisdiction of the Municipality;
    - ii) Any park, playground, sand dune or beach area under the jurisdiction of the municipality;
    - iii) Any sports field under the jurisdiction of the Municipality; or
    - iv) Any cemetery under the jurisdiction of the Municipality;
  - b) On any municipal public property in the municipality without the consent of the owner;
  - c) Along any sidewalk or boulevard within the Municipality;



- d) in any settlement area except as a means of direct access to the approved trail routes or to obtain core services.

2.8 No person shall operate an All-Terrain Vehicle in such a manner as to disturb or distort the natural environment including fish habitats, property, and any flora or fauna.

**3. ENFORCEMENT AND FINES**

3.1 The provisions of this by-law shall be enforceable by a Municipal By-law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual.

3.2 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

3.3 Every person who contravenes any Provision of this By-law is guilty of an offence and shall be liable to a fine in the amount to be determined pursuant to the Provincial Offences Act, as amended every such fine is recoverable under the Provincial Offences Act, as amended.

**4. SEVERABILITY**

4.0 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

**5. FORCE AND EFFECT**

5.0 This By-law shall come into force and effect upon its final passage.

5.1 This By-law may be cited as the "All-Terrain Vehicle Use By-Law".

5.2 That without limiting the powers of the Township of Adjala – Tosorontio Council to amend, alter or revoke this By-law at any time, it is hereby recognized that this By-law may be revoked and repealed at any time.

5.3 That by-law 11-07 and all its amending by-laws are hereby repealed.

6. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 13<sup>th</sup> day of March, 2017.

  
MAYOR MARY SMALL BRETT

  
CLERK BARBARA KANE

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

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PART 1, PROVINCIAL OFFENCES ACT

Item #	Column 1 Short Form Wording	Column 2 Provisions Creating or Defining Offence	Column 3 Set Fine
1	Operate ATV during prohibited periods	2.4	\$85.00
2	Operate ATV at any community centre	2.7(a)(i)	\$85.00
3	Operate ATV in park, playground, sand dune or beach	2.7(a)(ii)	\$85.00
4	Operate ATV in sports field	2.7(a)(iii)	\$85.00
5	Operate ATV in cemetery	2.7(a)(iv)	\$85.00
6	Operate ATV on municipal public property	2.7(b)	\$85.00
7	Operate ATV on any sidewalk or boulevard	2.7(c)	\$85.00
8	Operate ATV in any settlement area	2.7(d)	\$85.00
9	Operate ATV in prohibited manner	2.8	\$85.00
10	Hinder/obstruct person carrying out enforcement	3.2	\$300.00

**\*\*NOTE:** The general penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33.